

Addition of Portable Fire Extinguisher to Certificate of Smoke Detector and Carbon Monoxide Alarm- State Verbage:

Codey Signs Fire Extinguisher Legislation November 1, 2005

At a ceremony at Cliffside Park School #6 this afternoon, Acting Governor Richard Codey signed into law legislation requiring that upon the sale, lease or transfer of a building with three or fewer dwelling units, each unit be equipped with at least one portable fire extinguisher. NJAR was able to secure an amendment to the legislation to exclude all seasonal rental units. The bill further states that the extinguisher is to be provided at the expense of the seller, landlord or transferor of the property.

The law defines portable fire extinguisher as "an operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is: (1) rated for residential use consisting of an ABC type; (2) no larger than a 10 pound rated extinguisher; and (3) mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency

5:70-2.3 Certificate of smoke detector and carbon monoxide alarm and portable fire extinguisher compliance

(a) Before any Use Group R-3 or R-4 structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector, [and] carbon monoxide alarm and portable fire extinguisher compliance [CSDCMAC] **CSDCMAPFEC**, evidencing compliance with N.J.A.C. 5:70-4.19, from the appropriate enforcing agency.

1. Where a municipality has existing inspection or approval requirements under a property maintenance or other municipal code, a [CSDCMAC] **CSDCMAPFEC** shall not be required; provided, however, that the agency responsible for the enforcement of that code shall not issue any certificate of inspection or occupancy or other approval under such municipal code until it has determined that the dwelling complies with the requirements of N.J.A.C. 5:70-4.19.

2. Where no municipal inspection or approval requirement exists, the agency responsible for enforcement of the Uniform Fire Safety Act shall be responsible for issuance of the [CSDCMAC] **CSDCMAPFEC**.

i. The Department, where it serves as the enforcing agency, may, upon application by a local fire department, delegate to that fire department the responsibility and authority for issuance of the [CSDCMAC] **CSDCMAPFEC** within the municipality, or portion of a municipality, served by that fire department.

3. The owner, or authorized agent of the owner, shall apply for a [CSDCMAC] **CSDCMAPFEC** on a form provided by the enforcing agency. The application shall be accompanied by the appropriate fee, as set forth in N.J.A.C. 5:70-2.9(d).

4. A [CSDCMAC] **CSDCMAPFEC** shall not be transferable. If the change of occupancy specified in the application for a [CSDCMAC] **CSDCMAPFEC** does not occur within six months, a new application shall be required.

i. The enforcing agency may issue a [CSDCMAC] **CSDCMAPFEC** for a seasonal rental unit for a period of up to 12 months, regardless of the number or frequency of changes in

tenancy.

5. No [CSDCMAC] **CSDCMAPFEC** shall be issued until inspection of the structure indicates compliance with N.J.A.C. 5:70-4.19, except as provided in (b) below.

(b) (No change.)

(c) No [CSDCMAC] **CSDCMAPFEC** or municipal certificate of occupancy shall be issued for any Use-Group R-3 or R-4 structure, or unit therein, as the case may be, unless the structure or unit contains a carbon monoxide detector meeting the requirements of UL Standard 2034; provided, however, that no carbon monoxide alarm shall be required in any building that does not contain any fuel-burning appliances and does not have an attached garage. An "open parking structure," as defined in the building subcode of the State Uniform Construction Code, shall not be deemed to be an attached garage.

5:70-2.9 Fees: registration; certificate of smoke detector, [and] carbon monoxide alarm and portable fire extinguisher compliance [(CSDCMAC)] (CSDCMAPFEC); permit; carnival registration certificate

(a)-(c) (No change.)

(d) The application fee for a certificate of smoke detector, [and] carbon monoxide alarm **and portable fire extinguisher** compliance [(CSDCMAC)] (**CSDCMAPFEC**), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. Requests for a [CSDCMAC] **CSDCMAPFEC** received more than 10 business days prior to the change of occupant: \$35.00;
2. Requests for a [CSDCMAC] **CSDCMAPFEC** received four to 10 business days prior to the change of occupant: \$70.00; and
3. Requests for a [CSDCMAC] **CSDCMAPFEC** received fewer than four business days prior to the change of occupant: \$125.00.

(e)-(f) (No change.)

5:70-4.19 Smoke detectors and portable fire extinguishers for one-and two-family dwellings; carbon monoxide detectors

(a)-(d) (No change.)

(e) At least one portable fire extinguisher shall be installed in all one-and two-family detached dwellings upon change of occupancy. For purposes of this section, "portable fire extinguisher" shall mean a portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is:

1. Listed, labeled, charged and operable;

2. No smaller than a 2 ½ -pound or larger than a 10-pound rated extinguisher;

3. Rated for residential use consisting of an ABC type;

4. On hangers, or in brackets supplied by the manufacturer;

5. Within 10 feet of the kitchen area, unless otherwise permitted by an enforcing agency;

6. Located with the top of the extinguisher not more than five feet (1.53 meters) above the floor;

7. Visible and in a readily-accessible spot, free from blocking by furniture, storage, equipment and other items,

8. Near a room exit or travel way that provides an escape route to the exterior;

9. Accompanied by an owner's manual or written information regarding the operation, inspection and maintenance of the extinguisher; and

10. Installed so the operating instructions shall be clearly visible.

(f) Exception: Portable fire extinguishers shall not be required for seasonal summer units. For purposes of applying this exception, "seasonal summer unit" shall mean a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence

elsewhere, but shall not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed.